



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 27, 1995

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR95-1600

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 32492.

The City of McAllen (the "city") has received a request for a certain police report involving a juvenile. You have submitted the requested information to us for review and claim that section 552.101 of the Government Code excepts the report from required public disclosure.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 51.14(d) of the Family Code. Section 51.14(d) of the Family Code provides, in pertinent part:


Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public

See also Open Records Decision No. 181 (1977) at 2 (holding that police reports which identify juveniles or furnish basis for their identification are excepted by Fam. Code § 51.14(d)).

We have examined the information submitted to us for review. We conclude that it identifies a juvenile or furnishes a basis for a juvenile's identification. Moreover, none of the exceptions to the confidentiality provision set forth in section 51.14(d) apply in this instance. Accordingly, you must withhold the police report under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Enclosures: Submitted documents

Ref.: ID# 32305

cc: Mr. Ray Taylor
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4718 Camino Dorado
San Antonio, Texas 78233-6301
(w/o enclosures)

¹The Seventy-fourth Legislature, in House Bill 327, has significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code, effective January 1, 1996. See Act of May 27, 1995, ch. 262, §§ 53, 100, 105, 1995 Tex. Sess. Law Serv. 5127 (Vernon). We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for this type of information that are made on or after January 1, 1996.